



HAGENS BERMAN

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December 10, 2015

By ECF

Honorable Thomas P. Griesa
 United States District Court Judge for
 the Southern District of New York
 500 Pearl Street
 New York, NY 10007

Re: *Brecher v. The Republic of Argentina*, 06-CV-15297 (TPG)

Dear Judge Griesa:

At the December 1, 2015 status conference, the Court ordered that the parties meet and confer on a Proof of Claim form to be disseminated to potential members of the Class, in an effort to identify class members and their respective holdings. Attached as Exhibit One is a Proof of Claim form,¹ the content of which has been agreed upon by counsel for Plaintiff and Argentina. It is plaintiff's intention to have the Proof of Claim formatted by a claims administrator experienced in dissemination of notice and claim forms. Plaintiff had hoped to be able to submit a completely agreed upon and formatted Proof of Claim, but because of the short time frame and the schedules of the various interested parties, was not able to do so. However, attached as Exhibit Two, is a depiction of what the Proof of Claim form is expected to look like once the formatting is complete.

The parties have not discussed with the Court how the Court intends to disseminate the Request for Proof of Claim. Given that it is plaintiff's burden to prove class damages in the first instance, plaintiff respectfully requests that it be given latitude to determine the most appropriate method for dissemination of the Proof of Claim. Plaintiff intends to use Gilardi & Co., a professional notice and claims administration company, to assist in disseminating the Proof of Claim. Gilardi previously assisted plaintiff in disseminating notice to the class in connection with the Court's certification of the class. Gilardi maintains a proprietary database of brokers and other securities dealers, as well as a collection of potential class members it assembled in

¹ The attached Proof of Claim is intended to be used to assist in calculating the class judgment. If judgment is entered and the classes either recover on the judgment or reach a settlement with Argentina, class members will be asked to submit additional information to collect their share of any funds recovered or paid in settlement, including providing a sworn statement attesting to their holdings. The use of the Proof of Claim should not be deemed to turn these opt-out classes into opt-in classes (because additional information beyond the Proofs of Claim may be used in assessing class damages).

connection with its prior dissemination of class notice. In total, this database contains approximately 1000 names and addresses. The Proof of Claim will be disseminated directly to those persons and entities in the database.

Plaintiff also understands that plaintiffs in the *Seijas* cases will request that the Court require Argentina to assist plaintiffs in the dissemination of the Proof of Claim including requiring Argentina to: 1) cause the Request for Proof of Claim to be submitted (a) to DTC for posting and distribution through DTC's LENS (Legal Notice System) and (b) to Euroclear to be posted and distributed through the agents' legal notice or corporate action notice procedures; 2) to the extent that Argentina did not use the DTC/Euroclear mechanisms to disseminate notice of the 2005 and 2010 Exchange Offers, use the same mechanisms Argentina used to give notice to the bondholders with respect to the Exchange Offers; and 3) post and maintain the Request for Proof of Claim on the official websites of the Ministerio de Economia y Finanzas Publicas de la Nacion. Plaintiff Brecher joins in the *Seijas* plaintiffs' requests, and believes these additional procedures will be minimal cost and burden to Argentina, and will appropriately broaden the potential reach of the Proof of Claim.

Plaintiff Brecher also understands the *Seijas* plaintiffs also intend to publish notice in the Businesswire, La Nacion, and Clarin. Plaintiff respectfully requests that it not be ordered to publish notice in these publications, but certainly does not object to the *Seijas* plaintiffs doing so.

We would be pleased to answer any questions the Court may have.

Respectfully submitted,

/s/ Jason A. Zweig

Jason A. Zweig

JAZ:acm

cc: All counsel via ECF

Exhibit One

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
HENRY H. BRECHER, Individually And On .
Behalf Of All Others Similarly Situated, .

Plaintiff, .

v. .

REPUBLIC OF ARGENTINA, .

Defendant. .
----- X

No. 06 CV 15297 (TPG)

NOTICE AND PROOF OF CLAIM

**TO: ALL HOLDERS OF BENEFICIAL INTERESTS IN THE BOND ISSUED BY THE
REPUBLIC OF ARGENTINA, WITH ISIN XS 0113833510, DUE JULY 20, 2004,
AND A COUPON RATE OF 9.25% ("BOND") WHO PURCHASED OR
OTHERWISE ACQUIRED THOSE INTERESTS PRIOR TO DECEMBER 19,
2006 AND HAVE HELD THEM CONTINUOUSLY.**

**THE PURPOSE OF THIS NOTICE IS TO UPDATE YOU ON THE PROCEEDINGS IN
THIS CASE AND TO ENCOURAGE YOU TO PROVIDE IN THE ENCLOSED PROOF
OF CLAIM FORM THE INFORMATION RELATED TO YOUR PURCHASE OR
ACQUISITION OF THE BONDS AT ISSUE IN THIS CASE.**

BACKGROUND

In December 2001, the Republic of Argentina defaulted on its external debts, including the payment of all principal and interest due. Plaintiff Henry H. Brecher is a holder of beneficial interests in a Republic of Argentina European Medium Term Note Bond, with a coupon rate of 9.25% and a maturity date of July 20, 2004, which bears the ISIN XSO113833510 ("Bond"). In December 2006, Plaintiff brought this class action seeking to recover the amounts owed by Argentina to himself, and to a class of all those persons or entities who, before December 19, 2006, purchased or acquired interests in the Bond and have held those interests continuously since then (the "Class"). The Court certified the Class on June 6, 2011 and appointed Mr. Brecher to represent the interests of the Class and the law firm of Hagens Berman Sobol Shapiro LLP as counsel for the Class in this matter. In 2012, the plaintiff obtained a judgment against Argentina on the issue of liability which determined that Argentina is responsible for damages arising out of its default on the Bond. The Court overseeing this action is now ready to proceed with a determination of the amount of damages owed to Mr. Brecher and the Class.

The Judge overseeing this matter is Judge Thomas P. Griesa, a United States District Court Judge for the Southern District of New York. Judge Griesa has directed that Plaintiff send the enclosed Proof of Claim form to potential members of the Class, to assist in determining the amount of damages owed to the Class or to individual Class members. There has not yet been any judgment on damages obtained by Plaintiff against the Republic of Argentina, and there has been no settlement. There is no assurance that you will obtain any benefit from this class action. The purpose

of this Proof of Claim form is to assist in identifying those who might be members of the Class and the amount of Bonds such persons own.

INSTRUCTIONS

Do not complete this form if you meet any of the following criteria: (i) You participated in the Republic of Argentina's 2005 or 2010 Exchange Offers; (ii) you have initiated separate proceedings on your beneficial interests in the Bond, through individual claims asserted in this Court or through any other dispute resolution mechanism, including arbitration; (iii) you have previously elected to exclude yourself from the Class; (iv) you have not held your interests in the Bond continuously since December 16, 2006; or (v) you no longer own interests in the Bond.

SPECIAL NOTICE TO SECURITIES BROKERS AND OTHER NOMINEES: If you hold interests in the Bond as nominee for a beneficial owner who is a member of the Class, you must either mail a copy of this form to the beneficial owner or send the name and address of such beneficial holder to the address listed below.

Please complete this enclosed Proof of Claim form and return it by regular mail, or by email to:

Jason A Zweig
Hagens Berman Sobol Shapiro LLP
455 N. Cityfront Plaza Dr., Suite 2410
Chicago, IL 60611
708-628-4958
jasonz@hbsslaw.com

If you would like an electronic version of this form, please contact Jason Zweig and one will be provided.

All email submissions must be received no later than Monday, February 29, 2016. All regular mail submissions must be postmarked no later than February 29, 2016.

If you have any questions about this form, please feel free to contact Jason Zweig at the contact information above.

PROOF OF CLAIM

PART I: CLAIMANT IDENTIFICATION

Last Name

First Name

Last Name ((Beneficial Owner If Different From Claimant)

First Name (Beneficial Owner)

Last Name (Co-Beneficial Owner)

First Name (Co-Beneficial Owner)

Company/Other Entity (If Claimant Is Not an Individual)

Contact Person (If Claimant is Not an Individual)

Record Owner's Name (If Different from Beneficial Owner Listed Above, *e.g.*, Trust, Nominee, Other, etc.)

Account Number

Trust/Other Date (If Applicable)

Address Line 1

Address Line 2 (If Applicable)

City

State

Zip Code

Foreign Province

Foreign Zip Code

Foreign

Country

Telephone Number

Email address _

PART II: Acquisition Information

1. **Date(s) on which you acquired your interest** Republic of Argentina European Medium Term Note Bond, with a coupon rate of 9.25% and a maturity date of July 20, 2004 and which bears the ISIN XSO113833510. Also, please identify the amounts acquired on each date.

2. **Have you held the interests identified in response to question 1 continuously since you acquired them?**

3. **Do you still hold the interests? If so, who has custody of the interests?**

4. **Attach copies of all documents which establish the dates on which you acquired your interests, the principal amounts acquired, and evidence of current ownership of the interests. If after submitting this form you sell, transfer, or otherwise dispose of all or any part of your beneficial interest in the Bond, immediately inform Jason Zweig so that your interest can be appropriately accounted for.**

Name (Please Print)

Signature:

Exhibit Two

Must Be Postmarked
or Received No Later
Than Month DD, 2016

Official
Office
Use
Only

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Brecher et al. v. Republic of Argentina

No. 06 CV 15297 (TPG)

PROOF OF CLAIM AND RELEASE

Please Type or Print in the Boxes Below

Do NOT use Red Ink, Pencil, or Staples

RPA



TO: ALL HOLDERS OF BENEFICIAL INTERESTS IN THE BOND ISSUED BY THE REPUBLIC OF ARGENTINA, WITH ISIN XS 0113833510, DUE JULY 20, 2004, AND A COUPON RATE OF 9.25% ("BOND") WHO PURCHASED OR OTHERWISE ACQUIRED THOSE INTERESTS PRIOR TO DECEMBER 19, 2006 AND HAVE HELD THEM CONTINUOUSLY.

THE PURPOSE OF THIS FORM IS TO UPDATE YOU ON THE PROCEEDINGS IN THIS CASE, AND TO ENCOURAGE YOU TO PROVIDE THE INFORMATION RELATED TO YOUR PURCHASE OR ACQUISITION OF THE BONDS AT ISSUE IN THIS CASE.

PROOF OF CLAIM

In December 2001, the Republic of Argentina, defaulted on its external debts, including the payment of all principal and interest due on its external indebtedness. Plaintiff Henry H. Brecher is a holder of beneficial interests in a Republic of Argentina European Medium Term Note Bond, with a coupon rate of 9.25% and a maturity date of July 20, 2004, which bears the ISIN XSO113833510 ("Bond"). In December 2006, Plaintiff brought this class action seeking to recover the amounts owed by Argentina to himself, and to a class of all those persons or entities who, before December 19, 2006, purchased or acquired interests in the Bond and have held those interests continuously since then. The Court certified the Class on June 6, 2011 and appointed Mr. Brecher to represent the interests of the Class and the law firm of Hagens Berman Sobol Shapiro LLP as counsel for the Class in this matter. In 2012, the plaintiff obtained a judgment against Argentina on this issue of liability which determined that Argentina is responsible for damages arising out of its default on the Bond, and now, the Court overseeing this action is ready to proceed with a determination of the amount of damages owed to Mr. Brecher and the Class.

The Judge overseeing this matter is Judge Thomas P. Griesa, a United States District Court Judge for the Southern District of New York. Judge Griesa has directed that Plaintiff send out this form to potential members of the class of purchasers of the Bond, to assist in determining the identities of those persons who meet the criteria of the class. There has not yet been any judgment on damages obtained by Plaintiff against Argentina, and there has been no settlement. There is no assurance that you will obtain any benefit from this class action. The purpose of this form is to assist in the identification of those who might be members of the class, and the amount of Bonds such persons own.

Do not complete this form if you meet any of the following criteria: (i) You participated in the 2005 or 2010 Exchange Offers; (ii) You have initiated separate proceedings, through individual claims asserted in this Court or through any other dispute resolution mechanism, including arbitration; or (iii) you have previously elected to exclude yourself from the class; or (iv) you have not held your interests in the Bond continuously since December 16, 2006; or (v) you no longer own interests in the Bond.

SPECIAL NOTICE TO SECURITIES BROKERS AND OTHER NOMINEES: If you hold interests in the Bond as nominee for a beneficial owner who is a member of the Class, you must either mail a copy of this form to the beneficial owner or send the name and address of such beneficial holder to the address listed below.

Please complete this form and return it by regular mail, or by email to:

Jason A Zweig
Hagens Berman Sobol Shapiro LLP
455 N. Cityfront Plaza Dr., Suite 2410
Chicago, IL 60611
708-628-4958
jasonz@hbsslaw.com

If you would like an electronic version of this form, please contact Jason Zweig and one will be provided.

If you have any questions about this form, please feel free to contact Jason Zweig at the contact information above.

FOR CLAIMS PROCESSING ONLY	OB <input type="checkbox"/>	CB <input type="checkbox"/>	<input type="radio"/> DOC <input type="radio"/> LC <input type="radio"/> REV	<input type="radio"/> RED <input type="radio"/> A <input type="radio"/> B
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Last Name

Last Name

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1. **Date(s) on which you acquired your interest** Republic of Argentina European Medium Term Note Bond, with a coupon rate of 9.25% and a maturity date of July 20, 2004 and which bears the ISIN XSO113833510. Also, please identify the amounts acquired on each date.

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3. Do you still hold the interests? If not, who has custody of the interests? ☐ Yes ☐ No

[illegible]

- Signature: _____

Dated: _____

Print Name: _____

